

PERJURY

THE

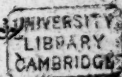
National Sin:

OR,

An Account of the Abuses and Violations
of OATHS among us of this Nation.

Humbly offered to the Consideration of the High
Court of PARLIAMENT.

Ὁρκον ἀπαλείψουσι, εἰ μὲν οἴσιν εἰ ἀπὸν: εἰ δὲ μὴ,
τὸ ἐνέστωρ. Epict.



*This is the curse that goeth forth over the face of the
whole earth: for every one that stealeth shall be cut
off as on this side, according to it; and every one that
sweareth shall be cut off as on that side, according to
it, &c. Zech. 5. 3.*

Licensed Decemb. 13. 1689.

L O N D O N :

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PERJURY

International Sin

OF OATHS among us of this Nation

CONFIDENTIAL

On the 1st of January 1900, the following were the names of the persons who were present at the meeting of the Board of Directors of the Bank of the City of New York, held at the City Hall, New York, at 10 o'clock, A.M.

The cause of the gold fever was the fact of the
 discovery of gold in California, and the fact that
 it was so easy to find, and so many people
 were flocking to the gold fields, and every one
 wanted to get rich.

1829. Dec. 11. 1829.

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St. Andrew's-Hall, M.DCCC.

PERJURY

THE National Sin.



HAVE oftentimes lamented the great guilt that our sinful Nation hath contracted, through the sin of common Swearing, and Perjury its usual Consequent; which is a sin very clamorous, and exceeding provocative of God's Judgments: For, forasmuch as in every Oath there is an Appeal made to God, That what we assert is true, and that what we promise we intend to perform, and by consequence an engagement of his Justice to avenge every Violation of Truth and Faith; it is no wonder that we read in History of so many signal Judgments inflicted on persons remarkably guilty of this Crime; indeed it is a wonder that we take notice of no more. God is concerned to make some publick Examples, to vindicate the honour of his Rectoral Justice, lest his Government of the World be called in question, and the impunity of Blasphemers become a scandal to Men, and fill the Earth with the Race of *Protagoras*.

goras. That many are not struck dead with an Oath in their mouths, or come to some other fearful end, as some do, is a luculent testimony both

Dabit in laqueum vestigia noster
Perfidus, & nigri patietur carceris uncum, &c.

Juv. Sat. 13.

of God's great Patience, and of a Judgment to come; for vast numbers every day call

aloud to God for Damnation; and great multitudes increase the black Lists of their Perjuries, till they are more in number than the Hairs of their Heads, and equal the Sand on the Sea-shoar.

ἐν τῇ αἰσχρολογίᾳ
αὐτοῦ. Philo-
sophia. Jud.

There is no man who is wont to swear in common Discourse, as often as the fancy takes him, or Passion moves him, or the Devil tempts him, but is guilty of frequent Perjuries, asserting oftentimes what is false, and promising impossibilities; telling Lies ever now and then, and backing them with Oaths, and tying himself with this most dreadful Obligation to that, which he never intends to perform.

Some are so stupid (I know) as to offer for excuse and extenuation, That they are not serious and considerate when they swear in common Discourse, but either passionate, or jocular, or do not advert upon what they speak; and that therefore the falsities they thus swear, are very little sins, or rather none at all. As though one sin could excuse another; and because it is their wicked Custom, out of a presumptuous disobedience, to God's express Command, to cite God at every turn to their idle prattle, they may also make bold with him to desire him to attest their Lies, and yet be guiltless. God is present, and takes notice of all our words, though

though we are inconsiderate, and weigh them not; and ere long, he that Perjures himself inadvertently and jocosely, and calleth upon God to Damn him through Custom and Passion, or in Jest, shall find himself, unless he does Repent, through the just Judgment of God to be damn'd seriously, deliberately, really, and in earnest.

What an happy thing therefore would it be, if those who are in Authority would put the Law, that is in this Case provided, in strict Execution upon all Common Swearers? It would be happy, not only for those Sinners, but for the whole Nation in General, and every Member thereof in Particular. If those whose concern and duty it is, to see Justice duly executed on Offenders, would wholly forsake this Sin in their own Conversation, and see it strictly punished in other Men, they would be the better able to give an Account of their Stewardship at the Great Audit. And if those, whose accursed Custom it is to Swear frequently, were Convicted, and legally Punished; the Payment of the due Penalty *toties quoties* would make them set a Watch before the door of their Lips; and it may be forsake so base and unprofitable a Sin: At least, it would in some measure exempt our Nation from the guilt of a Sin, which now through impunity, is become National, and may make us all to dread the Judgments of the Almighty.

But tho vain and idle Swearing in common Discourse, is the cause of very much Perjury; yet it is not the only Cause. The neglect of punishing Offenders,

Offenders, and the Omission of the necessary Duty of fraternal Correpction, has made the Guilt of this horrid Sin redound to all Orders and Degrees of Men among us ; in so much, that we have all reason to fear Divine Vengeance ; but this is not the only thing that hath made false Swearing the Sin of this Nation.

The breach of a solemn Oath, which was taken before a Magistrate, hath always been accounted, and for certain is, the most grievous kind of Perjury; because such an Oath is supposed to be taken with the greatest Attention and Deliberation, and the Breach thereof gives the greatest Scandal. Hence the prudence of some Legislators is worthy of Commendation, who for fear, that the multiplicity of Oaths should become a Snare to their People, have never exacted an Oath, but in case of the highest Necessity. Joyning of hands among the *Persians* in many Cases, was accounted a sufficient Asseveration. The *Es-senes* heretofore among the *Jews*, look'd upon all Oaths to be superfluous. And *Plato* tells us, That

Plato de Legibus. pag. 987. a wise Legislator ought not in matters of controverſie to give every one the liberty to swear, because (says he) when all are permitted to swear, many will be perjured.

But, on the contrary, the Constitution of our Government is such, that Oaths are imposed upon us for every slight and trivial account, and according to the prevalency of Custom, easily taken, and as easily broken ; and by this means solemn Perjury is become a common sin.

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I know it will be hereunto replied, That mens wickedness ought not to be a prejudice to the Law; and that this is the great fault of those who take them without due consideration, and are not careful to keep them; and not of those that impose them. But I answer, That neither are to be excused, but both are in fault; the One, for breaking their Faith, confirmed by this dreadful Obligation; and the Other, for prostituting Oaths to every mean end, and making them common, and entangling our consciences with them for every Cause.

For there are many Cases, some in matters Ecclesiastical, and some in Civil, in which the Laws of our Land require swearing, when for the preventing of Perjury it might well be omitted, and the ends of Truth, Honesty, and Justice, as well, nay much better, attained. Of this nature, among some other, I judge the Cases following :

I. When any Tax is laid upon the Kingdom, (for I will begin with that, which I have lately observed with pity and indignation), in this case in every Town and Parish there are usually chosen some fit persons to be Assessors, and they are sworn after this manner: [*You shall swear well and truly to execute the Duty of an Assessor, and to cause the Rates and Duties imposed by an Act, entituled, &c. to be duly and impartially assessed, according to the best of your skill and knowledge, and therein you shall spare no person for favour or affection, nor any person grieve for hatred.*

or ill will. So help you God.] One would think, that every one that took this Oath would surely act as honestly, equally, and exactly, as Justice it self with her pair of Ballances; and (to apply the matter to the last Aid) our late Assessors had rated up every man's Estate according to its just value, as far as they knew, without any diminution, or any other kind of injustice or partiality, considering that they transacted an Affair of great importance, not only between the King and his People, and between Subject and Subject, but between God and Conscience, and that they pawned their Souls for their Integrity. But this is only the charitable conclusion of speculation. He that hath observ'd what has been practis'd of late among us, is fully convinc'd of the contrary; for the Devil has not had a better Market in many years, than he has had now; he hath put off a vast number of Perjuries in our Nation. The late Taxes do nothing near advance the Sums of Money which were expected: and how is it possible they should, when the Acts of Parliament were so much eluded, by the swallowing of Oaths, which were never kept. In some few places, where conscientious men were elected to Assess, and in some few other, where the Inhabitants fell out about their Assessments, and detected the Wealth of one another, Assessments were made according to the end, sense, and intention of the Act of Parliament. But these places are but few; honest men are scarce in the world; and though there are great plenty of Knaves therein, yet but few have fallen out among themselves, and brought

brought in one another ; the most have lovingly combined together to cheat God , the King and Queen, the Countrey, and their own Souls. In some Parishes the Assessments arise not to more than half the just yearly Income of Peoples Estates, annual Burdens being deducted. This is paying Six-pence instead of Twelve-pence to the Pound, like false compounding Bankrupts ; nay, in some other places, they have not assessed so high. But then you must understand, that the Assessors of those Towns and Parishes were not only kind and neighbourly men, loth to disoblige any, but also men well read in the Politicks. In many places the Grandees of the Town thought convenient to meet together in Cabal with the Assessors, and consult of the Point ; and most of these *Rata-Men* (I have heard) have hit upon one and the same stratagem ; which was, To make two Assessments, the one indifferently honest, the other much beneath the just annual value of their Estates ; and their cunning has been to offer the lowest to Their Majesties Commissioners ; which if they receive and confirm, either through haste, being about to break up, or going to Dinner, or one of them being conveyed away before-hand, and given to understand the poor condition of their Parish, then all is well ; there is great rejoycing at the success of their business, but no consideration what a sacred Obligation they have violated. But if the first Assessments be rejected, as it ought to be acknowledged that sometimes they were, then they have another ready to produce as soon as they think convenient.

The like partiality, and contempt of Oaths, have mightily eluded the raising of Money by the Poll-Bill. The time lately was, we should have gladly parted with one years Revenue of our Estates, nay, with good part of the Principal, to have had our Lives, and the residue of our Fortunes, secured from the Dangers that hung over our heads. But we are no sooner in a way of Deliverance, but, like the hard-hearted *Israelites*, we begin to murmur, and wish again for the Bondage of *Egypt*; and something being required to be contributed by us for the further establishment of our Safety, many among us, I much fear, have perjured themselves, rather than they would pay their due Assessment. This is the method of our Gratitude! These are the returns which we make for our Deliverance!

But you will say, What remedy is there, if *Achan*-like, men will sell their Souls for a Wedge of Gold, and for a little Money render a whole Nation liable to Divine Vengeance? What course should be taken to obviate this great Evil?

I answer, When Taxes are laid upon the Land for the future, let some other Expedient be found out for the obtainment of a just, true, full, and equal Assessment, and this of Swearing be for ever laid aside, as altogether disproportionate and unfit for the end designed.

The happy Invention and profound Judgment of our Legislators, if they would please to bend their thoughts a little this way, would (no question) find out what may be better. In the mean time, I humbly conceive, that what I shall now offer, if put in practice,

practice, would not be altogether improper or ineffectual.

I remember in a Conversation which I had with a very Worthy Gentleman not long since, he was telling a Story, which I think is not unfit to be related here.

Heretofore (says he) when they kept Lent very strictly here in England, a Gentleman on a Journey came to an Inn in the evening, with an intention to sup and lodge there: but before he alighted from his Horse, he called to the Inn-keeper, and told him privately, That he was a man that loathed Fish; and that, notwithstanding the present severe prohibition, he must have a bit of Flesh for his Supper, otherwise his health was in danger: He therefore desired him to dress him a Joint of Mutton in private; and, says he, Landlord, you shall find me no unthankful nor unprofitable Guest. The Inn-keeper made answer, That he wist'd with all his heart that he could serve him, but that he could dress no Flesh in his House, nor suffer any Passenger to eat any therein, if he might have an hundred Pounds reward: But, says he, you look like an honest Gentleman, and seeing abstinence from Flesh will impair your health, as you say, hoping that I shall have your Company when you ride this way again, I will send you for the present (though it be not for my Interest to send Guests out of door) to an House where you may have what you please. Ride, says he, but just over the Water, and call in at the Crown, and there lives a kind Landlady, who will dress a Joint of Mutton or Veal for you, or what liketh you
best.

best. The Gentleman, having thank'd the Inn-keeper for his civility, departed from his House, and came to the Crown, where he found a jolly Landlady indeed ; and, as King Stephen said at the opening of a fat Buck, See how fat he is! and yet I dare swear he never heard Mass; so she was very fat, plump, and ruddy complexion'd, though she troubled her self but little with Religion, or the Church. To be short, she provided him his Supper according to his desire, and that without the least boggle, or sign of unwillingness, and afforded her Guest her good Company at Table. Supper being ended, the Gentleman tells her over a Glass of Wine, That indeed he had call'd in at another Inn on the other side the Water before he came to her House: but desiring to have a Joint of Mutton, the Inn keeper told him, That he would dress no Flesh, though he might have a great reward. But how is it, Landlady, (says he) that I found you so ready to serve me? What, have you a particular License to dress Flesh in Lent? No, Sir, says the good Landlady, smiling; I will tell you the truth, because I hope it will go no farther for you: This Town is scituate in two Counties, separate by the River; now in the other Division there lives an ill-natur'd Knave, that is Justice of Peace, whose Custom is, always before Lent begins, to summon in all the Inn-keepers and Butchers that are under him, and make them enter into two or three hundred Pounds Bond (I cannot tell which) to the King, That they will neither kill nor dress any Flesh till Lent is ended: But with us there lives a good neighbourly Justice, that does but only Swear us to keep Lent; he does not make us enter into Bond, as
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the other doth; so we come together, and his Clerk reads the Oath to us, and we kiss the Book a little, and then we go home, and do what we please; we hear no more of it.

Whether this be the Narration of some real Transaction, or a Story in the worst sense of the term, it is to me very indifferent; for if it be a Fable, it yields us a very pertinent Moral. A Recognizance of less than an hundred Pounds, is with many in the World, a stronger Obligation than that of an Oath; and the fear of incurring some temporal Penalty, especially if it concerns their Money, is much more prevalent than the Danger of Hell-fire. Through the frequent abuse and violations of Oaths, we are become almost Atheistical. 'Tis a rare thing to meet with one, that swear-eth to his own hurt, and changeth not. Our common People by frequent use, are grown so skilful in Equivocations, mental Reservations, subtil Distinctions, and the rest of the Jesuits Pick-locks, that they will open the strongest Oath (as they think without breaking it) as cleverly as any Artist of Rome.

For the future, therefore, if instead of taking a corporal Oath of Assessors, they were obliged to enter into Bond, that they will *well and truly execute the Duty of an Assessor, according to the Intention of the Act of Parliament*, &c. I am confident very much Perjury would be prevented, and such Acts of Parliament much better obey'd. For they who will not boggle at a small Lye, or at swallowing a little Perjury for their Neighbours, because

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'tis but only kissing the Book ; and then, if they do as they please, they hear no more of it ; will hardly be so kind as to forfeit their Recognizance, or pay an hundred Pounds for their Neighbours.

What I here propose, is not so unpracticable as some may think. In Land-Taxes, the Poor Rate of each Parish, confirmed by Their Majesties Justices of the Peace, may be the Guide, Measure, and Standard of their Assessments ; and the Assessors may be bound in a Sum proportionate to that, which is to be raised in each respective Parish, to assess every Man's Estate according thereunto. And in Pole-Taxes, &c. where there is no such Rate to be had for Direction and Measure, a Penalty may be laid upon those who conceal what they are worth. Every hundred Pounds in the Kingdom, would lately have yielded its ten Shillings, according to the Act, and so it will for the future, if it be Enacted, That whatsoever Sum of Money at Use is fraudulently concealed, shall be *ipso facto* forfeited, the one Moiety to the King and Queen, and the other to the Informer. And every Gentleman and Tradesman of three hundred Pounds Stock, would never swear himself off falsely, if a Law was made, That whosoever did so, upon Proof and Conviction hereof, were to lose a considerable Sum of Money to be mentioned in the Act.

2^{dly}, There are many Cases in which Oaths are exacted of Students in the Universities, which may be spared, and for the prevention of the danger of Perjury, were better omitted. I am far from bearing any ill Will to those Learned Societies, which

Flook upon to be the Eyes of the Nation. It is my hearty Prayer, That God would continue their prosperity, and that they might never be dissolved, nor suffer any Disaster till the general Conflagration. To which end, I wish that Academical Matters were transacted without so much Swearing. What an unhappiness is it, that a young Man cannot pass through an University Education, but his Conscience must be bound with I know not how many unnecessary Halts! The Oaths that are imposed on Students, are so many, and of so general and comprehensive a Nature, that it is as difficult and hazardous to pass through an Academick Education, and observe them all, as it was in old times to go through the Ordeal without treading upon any one of the nine burning Plough-shares; and he that has been a Member of the University some years, and has neither through inadvertency, nor any other way violated any Oath, is in my Opinion, as wonderful a Person as Queen Emma was. There is nothing done in these places without an Oath: No Admission into any College or Hall without an Oath; no Matriculation or Incorporation into the University, without Subscriptions and Oaths. By Virtue of which, all Exercise that is done there, is performed upon Oath; and lastly, there is no Promotion to any Degree, either in Arts, Physick, Law, or Divinity, but there is still new Swearing; Swearing-work not only for the Candidates themselves, but also for other Scholars in their behalf, who, *sic sua data Universitati*, assert, that to their Knowledge, the Person or Persons to be Presented, are

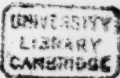
-Vide Baker,
concerning King
Edward the
Confessor.

are fit for the Degree unto which they are Presented, both in Manners and Learning. So, that if a Debauchee, or a Block-head chance to slide into a Degree of Schools, I know not how many must of necessity be Perjured. And yet for my part (tho I know the Governors of the Universities are exceeding Cautious and Vigilant) yet I will not be Sworn, that it never comes to pass in seven years together, that a Dunce takes a worshipful Degree, if such an Affidavit would gain me the Deanery of *Christ-Church* in *Oxford*, or the Mastership of *Trinity* in *Cambridg*. Why, is it not possible, that young Men may be Educated in the Knowledge of the Liberal Sciences without so much Swearing? The Vigilancy of Heads and Fellows of Colleges and Halls, and due Punishment of Offenders, is sufficient without Swearing them to observe Statutes, (which they are never permitted to see) to keep young Men orderly and studious in their respective Houses. And the care of the Vice-Chancellor, Proctors and Masters (of which it were requisite that a sufficient number of considerable standing, were every Term deputed to attend upon all Exercises, so that there should never be any huddling over Exercises, nor reading Solemn Lectures of Natural Philosophy and Morality, to the Wall.) This, together with the constant Punishment of Delinquents by Imposition of Exercise, Fine, Imprisonment, or Expulsion, as their Crimes deserve, would be enough for the Government of Affairs in the University; and I believe it would promote the ends of Learning and Piety, without so many Oaths.

3ly. I wish that the Oaths that are usually imposed on *Churchwardens* and *Sides-men* at *Episcopal* and *Archidiaconal Visitations*, were utterly abolished: For what good Ends soever our Worthy Legislators did propose to themselves in constituting them, they are found by sad experience to be a Snare, Scandal, and Trap to the Souls of Men. A *Book of Articles* is commonly exhibited to the Church-wardens and Sides men of every Parish; and they at every Visitation are sworn *well and truly to execute the Office of Church-wardens within their respective Parishes, according thereunto, and faithfully to present every person that has committed any Offence, or omitted any Duty therein mentioned, to the best of their knowledge.* By virtue of this Oath, they are bound (among I know not how many other matters) to Present all that being of the age of sixteen years, do not receive the blessed Sacrament of the Lord's Supper three times in the year at least; all that do not come to Church on Lord's days and other Holy-days; all that do not come at the beginning of Prayer; and all that do not observe to kneel and stand up, as the Rubrick does direct, during the whole time of Divine Service. Now, though in some Parishes the greatest part of the Inhabitants are to be Presented for neglecting the holy Sacrament of the Lord's Supper, and almost all for absenting themselves constantly on Saints days, and other Holy-days, from Church, and many for behaving themselves with very little external Devotion (and, I fear, with less internal; for when the Heart is humble, the Knee is seldom inflexible) in God's House: yet the usual method of

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Presentments, as far as concerns these matters, has commonly been, **All is well in our Parish**. And when it is urged to them, *Why do not you Churchwardens. Present such persons, and such, according to your Oath, and the Articles of Visitation?* Why shall we, say they, be so foolish as to incur the displeasure of our Neighbours, by presenting them, when there is never any thing done to them? And if we should present such and such Delinquents, and the Ecclesiastical Court proceed against them, and Excommunicate them, they value it not. For, whether it be because our Nation is generally grown obdurate, senseless, and Atheistical, or because Excommunication has been prostituted to base ends, and by the little Spiritual Padders of some Courts, (against the will, and without the knowledg of the Ordinaries) employ'd as an Engine of Profit; 'tis certain that this terrible Sentence, at which the Primitive Christians did heretofore, and all endued with Primitive Christianity do now tremble, is only look'd upon as an Ecclesiastical Scare-Crow, and not in the least regarded. As I am a Christian, and a Member of the Church of *England*, which I have always esteemed, in respect of other Protestant Churches, as the Moon among the lesser Stars; so I wish with all my heart, like a dutiful Son thereof, that good Church-Discipline were maintained, Order and Decency observed; licentious persons, and such as are a disgrace to the Christian Name, duly punished; that the Divisions and Subdivisions of Religion, which the Devil has caused among us, were closed up; that we did all come together into the

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the same place, and worship the Lord in the *Beauty of Holiness*, and frequent the Sacrament of Christ's Body and Blood, not through compulsion, but sense of Duty, and an inward *hunger and thirst after righteousness*. But I shall never be of opinion, that the imposition of a difficult Oath on Church-wardens, which I fear has been the occasion of much Perjury, will ever bring these great things about. Opposition is the Bellows of Schism; and whether the Penal Laws against Protestant Dissenters have diminished or augmented their number, is with me a question that I cannot readily solve: But sure I am, That since a Toleration is legally granted, swearing to Present according to Canons and Books of Articles, is as needless, as it is to exact Butts in every Parish, according to the ancient Statute, now Bows and Arrows are out of use; and it were much better that Presentments only concerned the reparation of the Church and Parsonage-house, if need be, &c. and that they were accepted without swearing, than to impose tedious Injunctions to Present This and That upon Oath, which can do no possible good in the world, but may do hurt to the Souls of them that so receive them.

4^{ly}. The matters which are transacted between Landlords and their Tenants in *Courts-Baron*, are not of so weighty a nature, but that they may be effected without swearing. I am far from envying the Nobility and Gentry any of their Honours; I only wish, for the prevention of Perjury, that the Oath which they usually exact of their Tenants on Court-days to make a Presentment of This and That truly

and faithfully, as the Steward of the Court gives them in charge, were committed into some pecuniary Mulct, Forfeit, Fine, or other Penalty, in case they transgressed their Duty. To which end, for the prevention of mistakes, and direction of the Homage in making their Presentments, it is requisite that the Customs of every Mannor (among which the Mulct incurred by making a false Presentment is to be one) should be fairly written, and publickly exposed to the Tenants view every Court-day. This would be so far from being any fraud or prejudice to Landlords, that it would secure their Rights and Privileges better than all the Swearing in the World, and prevent Perjury, Law-Suits, and other Mischiefs. The Case of One-Tenant is the Concern of All ; and the Homagee will sometimes dispence with their Oaths without a Bull from *Rome*, rather than Present any thing against themselves. I remember some years since I saw an instance here-of : In a certain Mannor, where the Custom was (as it is in many in *England*) that the Widow of the Copy-holder should succeed her Husband in his Estate, and keep it during life, provided she lives *sola & casta*, chaste and unmarried. In this Mannor there lived a wanton Widow, that had a base-born Child ; I expected that the next Court the Homagee would have Presented it, That she had forfeited her Estate : But I was deceived ; their Oath was not of force enough to make them do it : Yet the Landlord su'd her, and turn'd her out of her forfeited Possessions, but made provision for her Children ; which (he soon dying after this happened) was continued by the

the Worthy Gentleman that succeeded him. Thus they both acted like themselves, very Justly, and very Mercifully.

5ly. I will mention but one thing more, wherein Swearing might be omitted, and the business done as well without it ; and that is in matters of Merchandising. When any Vessel arrives into any of Their Majesties Ports, the Master thereof gives the Receiver of Their Majesties Customs an Account of her Cargo upon Oath : But I am apt to think, that a great pecuniary Mult^a, in case the Account be found false, would be found of greater Advantage to Their Majesties, and also better for the Merchants; to Those, it would secure Their due Customs; and to These, it would prevent the danger of being forsworn, and sued in the Court of *Exchequer*.

There is too much Swearing among us. If the *Quakers* offend in defect, we transgress in excess; if their Consciences are too squeamish, and rise at an Oath too much, we fear Oaths too little; for if ever that saying was applicable to any Nation in the World, it is to ours, *Ut Pueri talis, sic Homines ludunt juramentis*: Men play with Oaths, as Boys with Dice. The Advice of *Philo* touching Oaths, is very worthy to be mentioned. *It is most agreeable* (says he) ^{*Philo de Disci-*} ^{*logo.*} *to Reason, for a Man to abstain from Oaths, and so to accustom himself to speak the Truth, that his bare Word may be as weighty as an Oath; for the Oath is believed for the sake of the Man, and not the Man for the sake of the Oath. And the same Author adds a little after, When an Oath is required of thee, do thou defer the taking thereof, that so by deferring,*
thou:

thou mayest, if possible, wholly avoid it. But if there be an unavoidable necessity for thee to Swear; then do thou curiously and exactly examine every thing in the Oath, about which there ariseth any Controversy; for an Oath is no small matter, tho by reason of Custom it be contemned; it is the Testimony of God about things dubious; and to cite his Testimony to a Lye, is an heinous Sin.

Here I doubt some will imagine, that it is mine Intention covertly to reflect upon the late Act of Parliament, for taking the Oaths of Allegiance to Their present Majesties; and that surely, if I dared to do it, I would annumerate the Compliance of the Clergy and Laity (some few only of the former excepted) among the Perjuries of the Nation.

I confess, I have oftentimes moved these two Questions to my self: *First*, Whether the Persons of the Kings and Queens of *England*, have been safer since King *Henry VII.* ordained a *Guard du Corps* to attend him, and all Princes since have continued, than they were before there was any such thing among us? For when God permitteth an accursed *Ravillac* to make an attempt upon the Sacred Life of a Prince, he seldom wants an opportunity to come at him, maugre the Defence and Vigilancy of his Guards. Add hereunto, that it is not impossible that they may be corrupted; and then as the jealous Husband said, *Quis custo obiet ipsos Custodes?* *Secondly*, Whether those Kingdoms, where there was no such thing as Swearing Allegiance to the Supreme Magistrate, howsoever stilled, did not enjoy as much Peace, and were as free from

from Disturbances, as those, wherein all Subjects are Sworn, and the publick Peace fenced with Oaths, Abhorrences and Abjurations? For neither the *Jews* nor *Romans* heretofore had any such Law or Custom among them; and we ought to have no vulgar esteem of the Regimen of these Nations; for the former were governed by a *Theocracy*, God was their Legislator, and their Polity was immediately Divine. The latter People was so prosperous and successful in their Affairs, that from inconsiderable Beginnings, in process of Time they gained the Empire of the World, and retained it till their appointed time of Visitation was come. Once in an extraordinary case, I find that *Jehojada* the Priest took an Oath of the Rulers of *Israel*, with reference to their King, *viz.* at the Inauguration of *Joash*. But this was an Oath of † Assistance and Concealment, (the occasion of which is known) not of Allegiance; concerning which, I find nothing in those Authors *; which if there had been any such thing practiced in *Israel*, surely would have mentioned it. And I know among the *Romans*, there was a *Sacramentum Militare*, whereby the Soldiers swore Obedience to their Commanders; but I never read of any Oath of Allegiance exacted of ordinary *Romans*. Nay, this Military Oath, which they exacted of their Soldiers, sometimes stood them in little stead, as appears by the Disappointments of some forsaken Generals. For when a Commander has lost the Hearts of his Soldiers, it is in vain for him to expect, that he shall long keep them faithful to him, by the Obligations of Conscience.

† — Juramentum quo ab eis postulabat fidem & taciturnitatem & auxilium, P. Martyr. 2 Kings 11. * Cuneus de Re-pub. Heb. Schickardus, משפט המלך

More-

Moreover, I add, That it is a very great unhappiness, that the boisterous and ungovernable Spirits of wicked Men, have made it necessary for Governors to recur to the Expedients of *Tests*, *Oaths*, and *Abjurations*, to secure the Peace of their Dominions; by which, in Revolutions of Government, and Succession of new Governors, it comes to pass (by accident I know, and not according to the Intention of the Law) that sometimes tender Consciences are scandalized, and some of the best Members of the Commonwealth exposed to Suffer, or Sin, which is much worse. And whether any among us being terrified with the great danger which they incurred by refusing the Oath of Allegiance, did take the same against their Consciences, and so become guilty of Perjury, I know not; God alone, the Searcher of all Hearts doth; we are bound to judg charitably. But as for the Oath it self, I judg it very lawfully enjoyned, and very lawfully taken by us; and there is no danger of being forsworn by it, unless we break it.

Many have written in proof of the Lawfulness of taking this Oath, and that with great Commendation. I shall not here ridiculously repeat their Arguments, but only acquaint the Reader what satisfieth me, and is in my Judgment, *Instar omnium*. That which made many pious Men at first boggle at taking the Oath of Allegiance to King *William* and Queen *Mary*, and which hinders some few at present from taking it, is this, That they have sworn Allegiance before, to the late King, who is yet alive.
They

They may not therefore (they think) swear Allegiance to Their present Majesties, lest they swear to things inconsistent and contradictory. If the Obligation of their former Oath were ceased, they are free to swear. But that this Obligation is ceased, is evident beyond all dispute; because that Quality formerly inherent in the late King, upon the account of which He had Right unto, and We swore Allegiance unto him, is now ceased: We swore Allegiance unto him as he was our King; but he losing the Quality of a King, and being dead in his Politick Capacity, tho alive in his Natural, has lost all Right and Title to our Allegiance, and consequently our Obligation to him is at an end. I believe the late King has parted with his Right to our Allegiance much against his will; and that with all his heart he would recover what he has lost, and come and chastise us, (because we would not fight our selves into *Popery* and *Slavery*) not with *Rods*, but with *Scorpions*: But be it never so much against his will, it is certain, That he has ceased to be our King, and we to be his Subjects; for He and his Adherents were Conquered, his Army left him; and his Flight (which is neither questioned in earnest nor jest) is a farther testimony of his Vanquishment; for we see that he is fled, and has left his Kingdom and People to the Conqueror, who has graciously agreed with the Representatives of the Nation to settle the Government upon a new foundation. So that we may now swear Allegiance to King *William III.* and Queen *Mary*, with as safe a conscience as our Ancestors did to King *William I.* when he had vanquished King *Harold*,

and was received by the Nobility, and crowned by Archbishop *Aldred*.

I much admire, that the late Lord Bishop of *Chichester*, in the Declaration which he made before his Death, of his Judgment concerning this present Oath, should seem to object, *That it is inconsistent with the Doctrine of Passive Obedience to take it*. Concerning the Doctrine of *Passive Obedience*, I find two dangerous mistakes; the One, of those who err in *excess*; the Other, of those who err in *defect*. The word *King* is an equivocal term: Those who have the *same Name*, have not the *same Power and Authority*, which is the reason of the Name. Heretofore in *Lacedemonia*, their Kings were accountable to the Popular Magistrate, called the *Ephori*; and the Kings of *Israel* were subject to the *Sanhedrim*, which High Court had power to convene them before them, and to correct their Exorbitancies, nay and to punish them with Scourging, if they deserved it: whereas the Edict of some Mighty *Nimrods* is Law, and their Actions accountable to none but God. But now some, wanting either Logick or Honesty, have jumbled together what should be distinguished: and, as the great *Leviathan* sports himself in the Sea, so they tell us, That all Kings, if they please, may make it their pastime to devour their innocent Subjects (because some have assumed to themselves that accursed Power), and none must say, *What dost thou?* nor use any other method to secure themselves, but *Præces & Lachrimæ*, and flight. On the contrary, Others there be, who (either because some Popular Magistrates have in some Cases a Legal Power

Joseph. l. 14.
cap. 17. Shick-
ard p. 36.

Power to restrain their Kings, or have illegally usurped the same) argue as madly from the meer sound of the word on the other side ; and contend, That all Princes are accountable to the Representatives of the People, whose Safety is the Supreme Law ; and that the Doctrine of *Non-Resistance* is a meer Ecclesiastical Invention, and Politick Contrivance : and these take the present opportunity to rail at the Christian Doctrine of *Passive Obedience*.

But let men abound in their own sense as much as they please, the Doctrine of *Passive Obedience*, being placed upon its true Object, and measured by the Laws of God and each Commonwealth, will remain a Scripture-Doctrine, as long as St. Paul's Epistle to the *Romans* continues to be Canonical.

But, with all imaginable deference to the memory of this Reverend Prelate, wherein is it inconsistent with the Doctrine of Christianity, to take the present Oath ? Does this Doctrine require that we should ruine our selves for the sake of an Exauctorated Magistrate, as the Servants of some Pagan Governours are said to kill themselves to attend upon their Masters in the other World ? Or does this Doctrine exact of Subjects to fight against their own preservation ? This is one strain above the Heroical Passive Valour of the *Theban* Legion. Did we ever come to the door-Post, and having our Ears bor'd through with an Aul, swear, That we would remain our late Masters Servants for ever, and help him to break his own Laws ; and rather than not be truly Passively Obedient at his Command, cut the Throats of one another ? Or should all the Preachers of the

Nation, as soon as they heard that the Prince of Orange was landed, have leap'd into the Pulpits, and with Bellies ready to burst with the Spirit of *Non-Resistance*, given vent after this manner: *Order ye the Buckler and Shield, and draw near to Battel; harness the Horses; get up, ye Horsemen, and stand forth with your Helmets; furbish the Spears, and put on the Brigandines; beat out him whom God hath sent to deliver you from Tyranny, Arbitrary Power, and Popery; for if he succeeds in his Enterprize, you will never have the honour to be Fry'd, Burnt, nor Roasted to death by the Papists; so that you will lose your Coronets in Heaven, and have no hope to increase the Army of Martyrs?* God hath been pleased to work a mighty Deliverance for us; would to God that we would once cease to move needless scruples about it, and convert our causeless Doubts into Wonder and Thankfulness.

These are my sentiments concerning the Oath of Allegiance to Their present Majesties: But (as it is said already in effect) it is our great unhappiness, that the Divisions of our Nation have forced the King and Parliament, for the Preservation of publick Peace, to enact a Law for the taking of it so speedily: for hereby (we see) some good Men are become Sufferers. Tho this is my comfort, I hope they will be graciously pleased to take their Case into consideration, and mitigate the rigour of the Law towards these Worthy Persons. And that which maketh me hope so, is this:

1. Because there is no danger in the least, that these holy Men, and Pillars of the Protestant Church, should

should rebel against a Protestant Prince, or make any disturbance in his Government. *The Law*, as the Apostle says, is not made for a righteous man, but for the lawless and disobedient, for the ungodly and sinners; and the present Act of Parliament was not made for the Governable and Quiet, but for the Disturbers of the Peace, for the Enemies of the Government, for Papists and Malignants. Now, tho these Worthy Persons comply not with every punctilio of Loyalty, yet if they live peaceably under Their Majesties Government, and swear or promise to continue so to do, why should not this be sufficient, till such time as their scruples of Conscience are vanished? At *Athens*, when *Zenocrates*, a man of singular Piety, being cited to the *Areopagus* for a Witness, drew near to the Altar (according to the Custom of the *Greeks*) there to be sworn; all the Judges unanimously refused to let him swear, saying, That the bare Assertion of a man so religious, was enough. And amongst the *Romans* heretofore, the *Flamen Dialis*, or High-Priest of *Jupiter*, was never required to swear upon any account whatsoever; for which, among other Reasons, *Plutarch* supposeth that these may betwo. 1. Because an Oath is a troublesome Test imposed on Free People: but the Body and Mind of a Priest ought to be free from torture. 2. Because it is unreasonable to disbelieve him in small matters, who is entrusted with the most weighty Affairs, and the great matters of Religion. And why should not we Christians have as great a Veneration for Holy Men, and the Priests of the Most High God, as the Heathens had for the Priests of their

Diog. Laert. in vit. Zenocrat.

Plut. Quest. Rom. 44.

Βολυβὸς ἦν ὡς ἀναιδέαν ὁ βραχὺ ὄν.

their Idols and false Gods, and not envy unto them the Priviledg; if our Governours, considering their Quality, shall be content with their Promise to live quietly under the present Government, and dispenſe with their declining the Oath?

2. Because we have all the reason in the World to believe, that it is not Faction, but tenderness of Conſcience; not ill-will to the present Proceedings, but only Religion, and the fear of an Oath, that deterreth them from Swearing. Do not they conſider, as well as we, That if the late King ſhould return, (which I thank God, we have no great cauſe to fear) he would come accompanied with Wounds, Blood, Death, and Revenge; that he would ſend forth his Ruſſ-handed Apoſtles, the Dragoons, to Convert us *a la mode de France*? And can any one imagine, that theſe holy Proteſtants do deſire his Company? This Parliament have been pleaſed to Sympathize with the tenderness of ſcrupulous Conſciences, more than many of the former. To our Brethren the Proteſtant Diſſenters, they have granted their long-deſired Liberty. And to the Quakers, that hold all Oaths to be unlawful, they have diſpenſed with Swearing. And will any one think that they will have no Compaſſion upon their own Bowels, the Members of their own Church? Or that they will ſuffer them to periſh, for whom a nearer Relation exacts a greater tenderness of Affection?

3. Because (as the *Jews* ſaid of the *Centurion*, for whom they interceded with our Saviour, that he would heal his Servant) they are worthy, for whom they ſhould do this. I will not here mention, with
what

what cogency of Argument, freedom of Speech, and resolution of Mind, the whole Body of the Clergy withstood Popery in the worst of times. The Parliament has been pleased to take an honourable Notice hereof, and to thank them, tho that which they did, was only their Duty. Some of those who are now under Suspension, are those brave Champions, that took up the Gantlet for the Defence of Truth, when Popery and Arbitrary Power were armed with Majesty. They were Confessors for our Laws and Religion; and how unnatural is it, that they should be thrown down by That, which they kept up?

Lastly, Because the Restauration of these worthy Persons would highly please the whole Protestant Nation. As no News would be more welcome to the Popish-party, than to hear of their Deprivation, and to see the Body-politick of *England* lop off some of its most useful Members, and Protestants ruin Protestants. So to hear, that they are restored, either through their own Compliance with the Act of Parliament, or through Their Majesties Gracious Indulgence, or Dispensation with them, in a Parliamentary-way, till their Scruples of Conscience are removed, would be News, that all who love the Church of *England*, would receive in with both their Ears. We should receive it with the same publick Testimonies of Joy, as we did the glad Tidings of their Victory over Arbitrary Power, and their Enlargement out of the *Tower*. But to hear, that they are Deprived, because they will not do a thing against their Consciences, would be a melancholly

melancholly and grievous hearing to us all (I believe) even from the King to the Beggar. Would to God therefore, that those who are in Power, would not content themselves with a fruitless and unavialable Pity; but now interpose their timely Assistance, and prevent it. The Lord direct their Consultations for the best.

Other Men before me, have complained of the frequent occasions of Swearing among Christians. Whether I shall live to see any of them disused, and other Expedients made use of for the preventing of Falshood (which we find Oaths are unable to do), God knows. Yet, why should I not hope that these Papers may fall into the hands of some, and be the happy means of recalling to their Minds the Oaths that they have broken, and make them Repent of that great Sin; And of other, and make them careful to perform the Oaths they have taken? If I succeed so far, I have part of my end, which is (as much as lies in me) to prevent my Fellow-Subjects from wounding their immortal Souls with the dreadful Sin of Perjury; and if I contribute any thing to this, I shall judg it a sufficient Reward for my Pains. *All Glory be given to God.*

FINIS.

